



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

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THE ADMINISTRATOR

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The Honorable Max Baucus
United States Senate
Washington, DC 20510

To	Jim Christensen	From	Don Thornton
Dept./Agency		Phone #	703 603 8811
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GENERAL SERVICES ADMINISTRATION

Dear Senator Baucus:

Thank you for your letter of February 3, 2003, regarding the Environmental Protection Agency's (EPA) asbestos cleanup in Libby, Montana. I share your concern for the health of Libby residents, and continue to support the cleanup of the Libby site as a top priority.

I appreciate the opportunity to explain EPA's actions with respect to the question of whether to declare a public health emergency in Libby. Many press accounts have mischaracterized EPA's position on this matter, as well as EPA's handling of broader public outreach on vermiculite attic insulation.

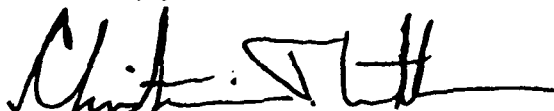
The Comprehensive Emergency Response, Compensation and Liability Act (CERCLA) generally prohibits the removal of a "product" from a residential structure as part of a removal action, but provides an exception where a health emergency exists. As we have previously discussed, EPA chose not to rely upon CERCLA's health emergency provision, in part, to minimize the possibility of removal work in Libby being delayed by possible legal challenges to this untested approach. Instead, EPA determined that it has the authority to remove the insulation in Libby based upon more traditional legal authorities because many of the homes contained insulation that was not inspected, packaged, labeled, warranted, regulated, or sold as a commercial "product".

The Agency's decision not to invoke CERCLA's health emergency provision to remove attic insulation in Libby has no relationship to how EPA communicates the potential exposure risk of asbestos-contaminated vermiculite attic insulation to the wider American public. EPA has not changed its longstanding guidance to homeowners because we do not have the scientific basis to do so at this time. Until more is known, the best way to safely manage vermiculite attic insulation is to leave it undisturbed or, if necessary, retain the assistance of a professional for removal. To improve communication of EPA's guidance to a broader audience, EPA will make available to the public a consumer pamphlet that will provide the Agency's current guidance on how to address vermiculite attic insulation if it is found in the home. Because so much about the risks posed from asbestos-containing vermiculite attic insulation remains unknown, EPA will

step up its efforts to research and investigate the potential health effects of asbestos-containing vermiculite products, including a multi-phase study to further evaluate the potential exposure risk from vermiculite attic insulation, so that we can provide more guidance to the public in the future.

Again, thank you for your letter. Please find enclosed detailed responses to your other questions. I appreciate your continued support for the cleanup activities in Libby. If you have any further questions regarding the cleanup or the Agency's activities to evaluate asbestos-contaminated vermiculite, please contact me, or your staff may contact Betsy Henry in the Office of Congressional and Intergovernmental Relations at (202) 564-7222.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Christine Todd Whitman", with a long horizontal line extending to the right.

Christine Todd Whitman

Enclosure